

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

CO-CHAIR:
REP. TIM SCHMITZ

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SEN. TONY MUÑOZ
SEN. SUE REZIN
SEN. DALE A. RIGHTER
SEN. IRA SILVERSTEIN
REP. GREG HARRIS
REP. LOU LANG
REP. DAVID R. LEITCH
REP. DONALD L. MOFFITT
REP. ANDRÉ THAPEDI

MINUTES

September 16, 2014

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on September 16, 2014 at 11:30 a.m. in Room 600C of the Michael A. Bilandic Building, Chicago, Illinois. Co-Chair Schmitz called the meeting to order. Co-Chair Schmitz announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. Other persons are encouraged to submit their comments in writing.

ATTENDANCE ROLL CALL

X Senator Pamela Althoff	X Representative Greg Harris
X Senator Don Harmon	X Representative Lou Lang
X Senator Tony Muñoz	X Representative David Leitch
X Senator Sue Rezin	X Representative Donald Moffitt
X Senator Dale Righter	X Representative Timothy Schmitz
X Senator Ira Silverstein	Representative André Thapedi

APPROVAL OF THE MINUTES OF THE AUGUST 12, 2014 MEETING

Representative Lang moved, seconded by Senator Althoff, that the minutes of the August 12, 2014 meeting be approved. The motion passed unanimously.

POSTPONED CONSIDERATION OF AGENCY RULEMAKING

Illinois Commerce Commission – Governmental Electric Aggregation (83 Ill. Adm. Code 470; 37 Ill. Reg. 20544)

Illinois Emergency Management Agency – General Provisions for Radiation Protection (32 Ill. Adm. Code 310; 38 Ill. Reg. 10730); Licensing of Radioactive Material (32 Ill. Adm. Code 330; 38 Ill. Reg. 10752); Licensing Requirements for Source Material Milling Facilities (32 Ill. Adm. Code 332; 38 Ill. Reg. 10760); Licensing and Radiation Safety Requirements for Irradiators (32 Ill. Adm. Code 346; 38 Ill. Reg. 10768)

Co-Chair Schmitz announced that these rulemakings are still under Extension and will be addressed at the October meeting.

REVIEW OF AGENCY RULEMAKINGS

Department of Financial and Professional Regulation (Division of Banking) – Licensing and Regulation of Pawnbrokers (38 Ill. Adm. Code 360; 38 Ill. Reg. 10502)

Representative Moffitt moved, seconded by Senator Rezin, that JCAR and the Department of Financial and Professional Regulation agree to extend the Second Notice period for this rulemaking for an additional 45 days. The motion passed unanimously.

Department of Labor – Health and Safety (56 Ill. Adm. Code 350; 38 Ill. Reg. 13728)

Senator Harmon moved, seconded by Senator Righter, that JCAR and the Department of Insurance agree to extend the Second Notice period for this rulemaking for an additional 45 days. The motion passed unanimously.

Department of Public Health – Specialized Mental Health Rehabilitation Facilities Code (77 Ill. Adm. Code 380; 38 Ill. Reg. 11713)

Senator Althoff moved, seconded by Representative Harris, that JCAR and the Department of Public Health agree to extend the Second Notice period for this rulemaking for an additional 45 days. The motion passed unanimously.

Department of Natural Resources – Open Space Lands Acquisition and Development Grant Program (17 Ill. Adm. Code 3025; 38 Ill. Reg. 16400) (Emergency)

Representative Moffitt moved, seconded by Representative Lang, that JCAR recommend that the Department of Natural Resources be more timely in implementing Public Acts. Any emergency that exists appears to be agency created. The underlying statute was effective in 8/13, almost a year before DNR adopted this emergency rule. The Department had sufficient time to use regular rulemaking procedures.

AGENCY RESPONSES

Department of Insurance – License, Documents Necessary to Engage in Activities and Examinations (50 Ill. Adm. Code 752; 38 Ill. Reg. 7715)

Department of Labor – Payment and Collection of Wages or Final Compensation (56 Ill. Adm. Code 300; 38 Ill. Reg. 7052)

Department of Public Health – Specialized Mental Health Rehabilitation Facilities Code (77 Ill. Adm. Code 380; 38 Ill. Reg. 11819) (Emergency)

Due to the appropriateness of the agencies' responses, no further action was taken.

CONSIDERATION OF OTHER RULEMAKING

Chief Procurement Officer for General Services – Chief Procurement Officer for General Services Standard Procurement (44 Ill. Adm. Code 1; 38 Ill. Reg. 10327)

Representative Lang moved, seconded by Representative Harris, that JCAR and the Chief Procurement Officer for General Services agree to extend the Second Notice period for this rulemaking for an additional 45 days. The motion passed unanimously.

Department of Natural Resources – Hydraulic Fracturing Regulatory Act (62 Ill. Adm. Code 245; 37 Ill. Reg. 18097); The Illinois Oil and Gas Act (62 Ill. Adm. Code 240; 37 Ill. Reg. 18081)

Representative Harris moved, seconded by Representative Leitch, that JCAR and the Chief Procurement Officer for General Services agree to extend the Second Notice period for this rulemaking for an additional 45 days.

Representative Lang: Complex comment has been submitted to JCAR by numerous entities. The Committee would like to be sure that, if the rulemakings go forward, they comport with statute.

Representative Leitch: It seems to be the unanimous opinion of JCAR that the Department needs to recognize that this statute took two years to negotiate. It is the job of JCAR to approve rules that comport with the legislation. It is the Committee's firm hope and expectation that the Department will pay attention to the statute and present rules that comport with the law that was passed on a bipartisan basis after a two-year bipartisan negotiation.

The motion passed unanimously.

CERTIFICATION OF NO OBJECTION

Senator Harmon moved, seconded by Senator Rezin, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or an Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously.

AUGUST MEETING DATE

Co-Chair Schmitz announced that the next monthly meeting of JCAR is scheduled for Tuesday, October 14, 2014 at 11:30 a.m., Room 600C, Michael A. Bilandic Building, Chicago IL.

ADJOURNMENT

Representative Lang moved, seconded by Senator Harmon, that the meeting stand adjourned. The motion passed unanimously.

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